

APPLICANT(S): BEN-DAVID, Ilan, et al.

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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims **1, 5-18, and 21-32, 37, 38-40** are pending in the application.

Claims **1-32, 36** and **38-40** have been rejected.

Claims **2-4, and 19-20** have been canceled without prejudice.

Claims **1, 5-6, 10, 12-14, 17, 21-22, and 26**, have been amended in this submission. It is respectfully submitted that no new matter has been added by this amendment.

CLAIM REJECTIONS

35 U.S.C. §§ 102 and 103 Rejections

In the Office action, the Examiner rejected claims 1-3, 10, 11, 14-19, and 26-29 under 35 U.S.C. § 102(e), as being anticipated by Roth et al. (WO 03/088203). Independent claims 1 and 17 have been amended to include the elements of claims 4 and 20, respectively.

In the Office action, the Examiner rejected claims 4 and 20 (now claims 1 and 17) under 35 U.S.C. § 103(a), as being unpatentable over Roth in view of Kuriwaki et al. (EP 0 831 451). For at least the reasons below, Applicants respectfully traverse the rejection.

Section 103(c) states that:

[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section

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102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

In this case, the Roth reference is prior art only under Section 102(e). Moreover, the subject matter of the Roth reference and the subject matter of the presently claimed invention were, at the time the presently claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person, i.e., Genoa Color Technology Ltd. Accordingly, based on Section 103(c), the Roth reference may not preclude patentability under Section 103.

Claims 1 and 17, and claims 2, 3, 10, 11, 14-16, 18-19, and 26-29, which depend directly or indirectly therefrom, are therefore allowable over the Roth reference in combination with any other reference(s).

In the Office action, the Examiner rejected claims 4 and 20 under 35 U.S.C. § 103(a), as being unpatentable over Roth in view of Kuriwaki et al. (EP 0 831 451). Claims 4 and 20 have been canceled. Accordingly, the rejection is moot.

In the Office action, the Examiner rejected claims 5-8, 12, and 22-23 under 35 U.S.C. § 103(a), as being unpatentable over Roth in view of Kumada (US Patent No. 5,563,725). These claims are allowable for at least two reasons. First, for the reasons stated above, the rejection under Section 103 based on the Roth reference is improper. Second, these claims depend from allowable base claims, and are therefore allowable.

In the Office action, the Examiner rejected claim 9 under 35 U.S.C. § 103(a), as being unpatentable over Roth in view of Kumada and in further view of Inoue (US Patent No. 5,896,178). This claim is allowable for at least two reasons. First, for the reasons stated above, the rejection under Section 103 based on the Roth reference is improper. Second, this claim depends from an allowable base claim, and is therefore allowable.

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In the Office action, the Examiner rejected claims 21 and 24 under 35 U.S.C. § 103(a), as being unpatentable over Roth in view of Kuriwaki and in further view of Kumada. These claims are allowable for at least two reasons. First, for the reasons stated above, the rejection under Section 103 based on the Roth reference is improper. Second, these claims depend from allowable base claims, and are therefore allowable.

In the Office action, the Examiner rejected claim 25 under 35 U.S.C. § 103(a), as being unpatentable over Roth in view of Kuriwaki and in further view of Kumada and in yet further view of Inoue. This claim is allowable for at least two reasons. First, for the reasons stated above, the rejection under Section 103 based on the Roth reference is improper. Second, this claim depends from an allowable base claim, and is therefore allowable.

In the Office action, the Examiner rejected claims 30-32, 36, and 38-40 under 35 U.S.C. § 103(a), as being unpatentable over Roth. These claims are allowable for at least two reasons. First, for the reasons stated above, the rejection under Section 103 based on the Roth reference is improper. Second, these claims depend from an allowable base claims, and are therefore allowable.

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In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

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